

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY AN - 5 2015
STATE OF OKLAHOMA

ATLEES TINY STORAGE, LLC,)
Plaintiff,)
v.)
HARTFORD UNDERWRITERS)
INSURANCE COMPANY,)
Defendant.)

TIM RHODES
COURT CLERK

30

CJ - 2015-15

Case No. _____

PETITION

Plaintiff alleges:

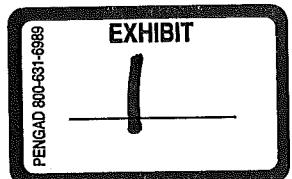
1. This case involves insurance coverage applicable to the building and structures owned by Plaintiff located at 1401-1423 S. Council Road, Oklahoma City, Oklahoma County, Oklahoma (the "Building").

2. In consideration of the payment of insurance premiums by Plaintiff, Defendant issued to Plaintiff an Oklahoma commercial property insurance policy, policy number 38 UUN KJ5504' DE ("the Policy") for the period of November, 1, 2012 to November, 1, 2013.

3. The Policy insured the Building for damages resulting from perils of wind and hail, including the physical damage, loss of income and expenses of processing the claim, all of which are more particularly described in the Policy.

4. The Policy was in full force and effect at the time that the Building sustained certain damages as a result of the perils of wind (tornado) and/or hail on or about May 31, 2013, which was during the period of coverage provided by the Policy.

5. Defendant owes Plaintiff the duty to deal fairly and in good faith in timely evaluating and promptly paying covered losses or claims covered by the Policy.



6. Defendant owes Plaintiff the duty to deal fairly and in good faith to timely advise Plaintiff of its rights under the Policy.

7. Defendant owes Plaintiff the duty to deal fairly and in good faith to fully and fairly investigate the facts regarding liability, damages and coverage to make a prompt and fair evaluation and payment.

8. As a result of a tornado, and associated hail, wind and moisture, which struck Oklahoma City on or about May 31, 2013, Plaintiff suffered losses covered by the Policy to the Building.

9. As a result of a tornado, and associated hail, wind and moisture, which struck Oklahoma City on or about May 31, 2013, the Building sustained roof damage and damage to the exterior walls as well as water intrusion which require repairs.

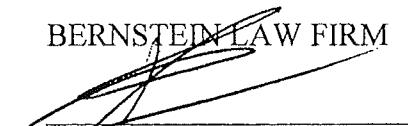
10. Plaintiff continues to suffer damages to the Building, which are losses covered by the Policy and which have not been promptly and properly addressed by Defendant.

11. Plaintiff has properly filed notice of its losses due to damages caused by the storm occurring on or about May 31, 2013. Even though Defendant has been notified and has also received the documentation of the losses totaling far in excess of \$75,000.00, Defendant has chosen to not promptly and completely pay the claims that are due under the Policy.

12. Defendant's actions, which include, but are not limited to, (a) choosing to not promptly and fully pay the claims that are due and owing under the Policy, (b) choosing to not advise Plaintiff of its rights under the policy, and (c) choosing to not fully and fairly investigate the facts regarding liability, damages and coverage to make a prompt and fair evaluation, have caused Defendant to breach the insurance contract between Defendant and Plaintiff and have caused Defendant to breach the duty to deal fairly and in good faith.

13. As a result of the Defendant's actions as set forth above, Plaintiff has suffered actual damages in an amount not yet determined, but believed to be far in excess of \$75,000.00, consequential damages in an amount not yet determined, but believed to be in excess of \$75,000.00, and punitive damages in and amount not yet determined, but believed to be far in excess of \$75,000.00.

WHEREFORE, Plaintiff prays for judgment in its favor as set forth above, a reasonable attorney fee, costs, and interest.

BERNSTEIN LAW FIRM


DAVID BERNSTEIN, OBA #010207
Bernstein Law Building
P.O. Box 1692 ** 104 West Gray Street
Norman, Oklahoma 73070
Phone: (405) 329-1484
Fax: (405) 329-5949
DBNormanOK@aol.com
www.USASafetyLawyer.com

ATTORNEY FOR PLAINTIFF

**ATTORNEY LIEN CLAIMED
JURY TRIAL DEMANDED**

150105 1131 Atlees pet